



Office Products Group

March 15, 2010

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HON. Brian M. Cogan  
MAR 17 2010

Hon. Brian M. Cogan  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: USA v. HU, 2:08 CR 425, United States District Court, Eastern District of New York

Dear Judge Cogan:

I represent Sanford, L.P. ("Sanford"), an Illinois limited partnership. Sanford's business relates to, among other things, writing instruments and related products, including pens, pencils, markers and highlighters, as well as other stationery products. Sanford's numerous writing instrument brands include the well-known and famous SHARPIE® brand. We submit this letter to ask the Court to impose strict prison terms for Lin Hu, Jian Hu, and Hoy Mui Cheow, the defendants in the above-referenced litigation, to the extent permitted under the law.

Sanford understands that the defendants have pled guilty to trafficking in counterfeit goods, some of which bear the SHARPIE® trademarks and trade dress. As I understand the facts, by their own admission, the defendants sold upwards of 25 container loads of counterfeit products each year, which demonstrates that they engaged in a practice of regularly selling or distributing a large volume of counterfeit products.

The defendants' actions, and the actions of other purveyors of counterfeit products present serious harm to the goodwill Sanford has built up under its SHARPIE® brand. Sanford devotes significant efforts and resources to enforcing such rights. Sanford dedicates such efforts and resources because of the severe problems caused by counterfeit products. In addition to the obvious loss of current sales, the terrible quality of the counterfeit products – they break, leak, and may not be non-toxic – cause consumers to incorrectly believe that genuine SHARPIE® markers are of poor quality, thereby affecting future sales and brand reputation as well.

In light of this, we request that this Court impose on the defendants strict prison terms, as available under the law. Not only are the defendants' actions egregious, but by imposing a long sentence the Court will demonstrate to other counterfeiters that the Court views these illegal actions as serious criminal matters, thereby providing a necessary deterrent effect.





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For these reasons, we respectfully request that the Court impose serious prison terms, as available under the law.

Respectfully submitted,

Gary Hood  
General Counsel  
Markers, Highlighters, Art & Office  
Organization Global Business Unit, & N.A.  
Office Essentials

